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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,001	01/16/2004	Helmut Holzer	HOLZER - 6	8661
7590 09/09/2005 COLLARD & ROE, P.C. 1077 Northern Boulevard Roslyn, NY 11576			EXAMINER COLLADO, CYNTHIA FRANCISCA	
			ART UNIT	PAPER NUMBER
			3618	

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/760,001

Applicant(s)

HOLZER, HELMUT

Examiner

Cynthia F. Collado

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period, for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/29/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Hopkins (US Patent No. 6,007,086).

Hopkins teaches a computer unit (see figure 7, element 48), a memory system (see figure 7, element 7), a sensor system (see figure 7, element 46) also (see column 7, lines 55-65), an electronic device with a software driven with a programmable micro-controller wherein the microcontroller has an in volatile memory (see column 7, lines 39-54), the micro-controller being programmed to store manually altered settings of the changing states of the safety ski binding detected by the sensor system in the memory system (see column 7, lines 66 continued to column 8, lines 1-7).

Regarding claim 2, Hopkins teaches an electronic device having one sensor for detecting the respectively safety release values provided on both toe and heel binding (see figure 4, element 46).

Regarding claim 3, Hopkins teaches an evaluation device having a separate power supply system and transmitter (see figure 1, elements 38 and 40).

Regarding claim 4, Hopkins teaches an evaluation device disposed in the toe binding to display device (see column 5, lines 66-67 continued to column 6, lines 1-5)

Regarding claim 5, Hopkins teaches a device in the toe binding has an electronic non-volatile memory system for storing safety release value (see column 13, lines 31-47).

Regarding claim 6, Hopkins teaches a device having an electronic time module for logging states or status changes detected by sensors correlated to time (see column 8, lines 8-18).

Regarding claim 7, Hopkins teaches an evaluation device having a counter for counting period of times (see column 8, lines 8-18).

Regarding claim 8, Hopkins teaches the sensor system has one sensor for determining pressure of a slip on spring system of the heel binding relative to a ski shoe (see column 2, lines 50-60).

Regarding claim 9, Hopkins teaches a sensor system having one sensor for detecting the open and closed state of the heel binding (see figure 7, element 66).

Regarding claim 10, Hopkins teaches one interface for reading the values and data logged in the non-volatile system (see column 7, lines 44-54).

Regarding claim 11, Hopkins teaches a device programmed to read the values and data logged in the memory system (see column 3, lines 19-26).

Regarding claim 12, Hopkins teaches the non-volatile system is provided in the form of a memory with suitable memory contents and without power supply in the form of an EEPROM memory (see figure 7, element 50).

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Regarding claim 13, Hopkins teaches a device designed to transmit data signals to a mobile electronic unit (see column 10, lines 57-62).

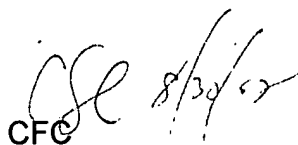
### **Conclusion**

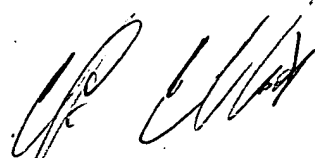
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No.6, 007,086 issued to Hopkins teaches electric ski binding system. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cynthia F. Collado whose telephone number is (571)2728315. The examiner can normally be reached on mon-fri 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (571)2726914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
CFC

  
CHRISTOPHER P. ELLIS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3500

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